



Docket No.  
POU920030006US1

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PARALLEL HIGH SPEED BACKUP FOR A STORAGE AREA NETWORK (SAN) FILE SYSTEM**

the specification of which

(check one)

is attached hereto.

was filed on June 24, 2003 as United States Application No. or PCT International Application Number 10/602156  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

Lynn L. Augspurger, Reg. No. 24,227

Floyd A. Gonzalez, Reg. No. 26,732

Christopher A. Hughes, Reg. No. 26,914

John E. Hoel, Reg. No. 26,279

John E. Campbell, Reg. No. 52,687

Susan M. Murray, Reg. No. 38,252

Lawrence D. Cutter, Reg. No. 28,501

William A. Kinnaman, Jr., Reg. No. 27,650

William B. Porter, Reg. No. 33,135

Andrew J. Wojnicki, Jr., Reg. No. 43,995

Joseph C. Redmond, Jr., Reg. No. 18,753

Send Correspondence to: **Lawrence D. Cutter, Attorney**  
**IBM Corporation, Intellectual Property Law Dept.**  
**2455 South Rd., M/S P386**  
**Poughkeepsie, NY 12601**

Direct Telephone Calls to: (*name and telephone number*)  
**Lawrence D. Cutter, Attorney (845) 433-1172**

Full name of sole or first inventor <b>ROBERT J. CURRAN</b>	Date
Sole or first inventor's signature	
Residence <b>8 Hedgerow Court, West Hurley, New York 12491</b>	
Citizenship <b>USA</b>	
Post Office Address <b>Same as above</b>	

Full name of second inventor, if any <b>DANIEL L. MCNABB</b>	Date
Second inventor's signature 	<i>9/26/2003</i>
Residence <b>14926 Diduca Way, Los Gatos, California 95032</b>	
Citizenship <b>USA</b>	
Post Office Address <b>Same as above</b>	

Full name of third inventor, if any  
**DEMETRIOS K. MICHALARIOS**

Third inventor's signature

*Demetrios K. Michalarios*

Date

*07/15/2003*

Residence

**3 Parkside Drive, Lake Katrine, New York 12449**Citizenship  
USAPost Office Address  
**Same as above**

Full name of fourth inventor, if any  
**WAYNE A. SAWDON**

Fourth inventor's signature

*Wayne A. SAWDON*

Date

*Sep. 29<sup>th</sup>, 2003*

Residence

**6362 San Anselmo Way, San Jose, California 95119**Citizenship  
USAPost Office Address  
**Same as above**

Full name of fifth inventor, if any  
**FRANK B. SCHMUCK**

Fifth inventor's signature

*Frank B. Schmuck*

Date

*09/26/2003*

Residence

**406-A Union Avenue, Campbell, California 95008**Citizenship  
GermanyPost Office Address  
**Same as above**

Full name of sixth inventor, if any  
**JAMES C. WYLLIE**

Sixth inventor's signature

*James C. Wyllie*

Date

*09/29/2003*

Residence

**18392 Chadbourne Lane, Monte Sereno, California 95030**Citizenship  
USAPost Office Address  
**Same as above**

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)**

Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
POU920030006US1

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**Parallel High Speed Backup for a Storage Area Network (SAN) File System**

and invented by:

**Curran et al.**

**ASSIGNEE NAME: INTERNATIONAL BUSINESS MACHINES CORPORATION  
ASSIGNEE RESIDENCE: Armonk, New York**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 19 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
POU920030006US1

Total Pages in this Submission

**Application Elements (Continued)**

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)
  - a.  Formal Number of Sheets \_\_\_\_\_
  - b.  Informal Number of Sheets 2
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(B) Statement (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.:* EU885196421US)

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
POU920030006US1

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

17.  Additional Enclosures (*please identify below:*)

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
POU920030006US1

Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	9	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	3	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$750.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$750.00</b>

- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. 09-0463 as described below.
- Charge the amount of \$750.00 as filing fee.
  - Credit any overpayment.
  - Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

2003/06/24

*Signature*

LAWRENCE D. CUTTER, Attorney  
Reg. No. 28,501  
IBM Corporation  
2455 South Road, M/S P386  
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CC: